

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Day et al.**

Serial No. **09/838,378**

Filed: **April 19, 2001**

For: **Method, Apparatus, and Program
for Associating Successive Repointing
of a Browser's Load Function with
Navigational Links in Web Pages**

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Group Art Unit: **2173**

Examiner: **Pillai, Namitha**

**Commissioner for Patents
P.O. Box 1450
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35525
PATENT TRADEMARK OFFICE
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REPLY BRIEF (37 C.F.R. 41.41)

The Reply Brief filed on May 23, 2005 is herein resubmitted in response to the Examiner's Answer mailed on April 6, 2007 in order to provide a complete record of prosecution for the above-referenced patent application.

No fees are believed to be required to file a Reply Brief. If any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

RESPONSE TO EXAMINER'S ANSWER

Appellants respectfully disagree with the Examiner's Answer dated April 6, 2007 to the Appeal Brief filed on December 16, 2004.

The Examiner's Answer states:

Wittenburg much like the examples stated in the arguments display series of pages that are linked together found during web browsing. Wittenburg discloses a set of pages that are linked together wherein Wittenburg refers to them as documents, presentations, and as seen in the Figures, these documents represent web pages like the examples stated in the present invention. Wittenburg by teaching a means for traversing a set of pages, represented as web pages, wherein the control (reference number 66, Figure 6) allows users to link to the next page, thereby showing a set of linked pages. Furthermore, Wittenburg discloses how the documents represent a slide show presentation, thereby this presentation representing the entire document and each slide or web page representing one of the pages of this document, and wherein the ability to traverse through each of the pages in a consecutive manner, with the controls in a sequence, clearly shows a link, thereby showing navigation among pages within a series of linked pages (column 9, lines 60-65).

Examiner's Answer dated April 6, 2007, page 5, lines 7-20.

Appellants respectfully disagree. The Examiner's Answer repeatedly states that the teachings of *Wittenburg* are "like" the present invention. Whether the teachings of *Wittenburg* are similar to the present invention in some way is not at issue. Appellants concede that *Wittenburg* teaches a control that allows a user to step through a plurality of documents. On some level, this is "like" the present invention in that both the reference and the present invention have **something** to do with navigating through documents. Many teachings and/or inventions in the same field of endeavor have similarities. This does not preclude such inventions from patentability. Following the reasoning presented in the Examiner's Answer, a Post-ItTM note is "like" using a piece tape to fasten a piece of paper to something and, thus, would be precluded from patentability. This is clearly not the case. The Examiner still has the burden to consider the claim as a whole, to consider the prior art as a whole, and to establish a *prima facie* case of anticipation or obviousness. Appellants submit that the Examiner has failed to meet this burden for the reasons presented below.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983).

In this case, the Examiner's Answer alleges, repeatedly, that *Wittenburg* teaches a series of **linked** pages. This is simply untrue. Claim 1, for example, recites, "receiving a document, wherein the document comprises a current page within a series of pages and wherein each page within the series of pages includes a link to a contiguous page within the series of pages." The Examiner's Answer alleges that *Wittenburg* "clearly shows a link," even though *Wittenburg* shows no such thing. To the contrary, *Wittenburg* **clearly** teaches that the multimedia files are organized using a separate hierarchical data file. There is no teaching whatsoever in *Wittenburg* that the multimedia files include a link to a contiguous page within a series of pages.

In response, the Examiner's Answer states:

As clearly shown in Figures 6 and 7, the multimedia files referred to in the arguments are in fact web pages, that are representative of pages that belong in a document, wherein the document would represent the presentation referred to. *Wittenburg* has set forth the terms "presentations", wherein these presentations in their entirety would represent documents, and wherein each page or slide of these presentations would be the current page ("amazon.com", Figure 6).

Examiner's Answer dated April 6, 2007, page 6, lines 5-11.

Appellants respectfully disagree. While the overall displays of Figures 6 and 7 are indeed Web pages, the multimedia files themselves do not include a link to a contiguous page within the series of pages. Even if each and every multimedia file in the slide show of *Wittenburg* was a Web page, there is no teaching whatsoever in *Wittenburg* that each page within the slide show includes a link to a contiguous page within the slide show. The multimedia files of *Wittenburg* represent a group of unrelated files that are organized using a separate hierarchical data file, which is quite different from the presently claimed invention.

The Examiner's Answer further states:

Furthermore, the claims refer to a general term "documents", wherein these documents represent a set of data that are displayed as files or web pages, and wherein these web pages may contain multimedia data or other forms of displayed data but is still nonetheless represent [sic.] a general term such as documents. There is clearly the link (reference number 66, Figure 6) that is used to move on to the next page and the previous pages, wherein these links are clearly there for a purpose the purpose being traversing to a new page that has a continuous relationship to the current page.

Examiner's Answer dated April 6, 2007, page 6, lines 11-18.

Again, Appellants respectfully disagree. What is clear from the teachings of *Wittenburg* is that the only relationship between the documents being presented in the slide show is defined by the separate hierarchical data file. *Wittenburg* clearly fails to teach or suggest a series of pages, wherein each page within the series of pages includes a link to a contiguous page within the series of pages, as recited in claim 1, for example. The control of *Wittenburg* shown as reference number 66 clearly is **not** a link included in one of the multimedia data files in the slide show. The Examiner appears to focus on the words "documents" and "link" -- and *Wittenburg* does indeed teach documents and links -- but fails to point out where each and every limitation of the instant claims is taught or even suggested.

Furthermore, the Examiner's Answer states:

With respect to Applicant's arguments that the *Wittenburg* does not teach that multimedia files include a link to a next or previous page because the multimedia files are organized using a separate hierarchical data file rather than each file including another files [sic.] in the series. These arguments rely on the backend architecture or structure relied upon to display the presently claimed invention. The data structures of the information being displayed and the manner in which the links are stored in memory are not clearly discussed in the present claims.

Examiner's Answer dated April 6, 2007, page 6, line 19 – page 7, line 3.

Appellants respectfully disagree. The claims clearly recite the data structure and the manner in which the data structure is used to present the documents. Consider claim 1, for example, which recites the following:

1. A method, in a data processing system, for navigation between pages within a series of pages, comprising:
receiving a document, wherein the document comprises a current page within a series of pages and **wherein each page within the series of pages includes a link to a contiguous page within the series of pages;**
responsive to receiving the document, **identifying a series link in the current page,** wherein the series link references a contiguous page within the series of pages; and
responsive to a series link being identified in the current page, **automatically associating a series link control with the series link,** wherein activation of the series link control results in navigation to the contiguous page referenced by the series link. [Emphasis added].

Clearly, the structure of each page within the series of pages including a link to a contiguous page within the series of pages is expressly recited in the above claim. Clearly, the manner in which this data structure is used to present the series of pages is expressly recited in the above claim. Certainly, *Wittenburg* teaches a very different data structure -- the separate hierarchical data file -- and a different manner in which the plurality of pages are displayed. While the teachings of the *Wittenburg* reference may be vaguely similar to the present invention, *Wittenburg* simply fails to anticipate the instant claims.

Still further, the Examiner's Answer states:

With respect to Applicant's arguments that there is no analysis as to why a control area for controlling presentation of multimedia files is equivalent to identifying a series link in the current page, where the series link references a contiguous page in a series of pages. *Wittenburg* as also stated in the arguments does have a control area, wherein this control area (reference number 66, Figure 6), allows control of data that is displayed by allowing for the link and control of this link to access previous or next pages that are before or after the currently displayed web pages.

Examiner's Answer dated April 6, 2007, page 7, lines 4-10.

Appellants note that the previous or next pages in *Wittenburg* are as defined in the separate hierarchical data file; therefore there is no need in *Wittenburg* to identify a series link **in the current page**. As such, *Wittenburg* does not teach or fairly suggest identifying a series link in the current page, wherein the series link references a contiguous page within the series of pages, as in the present invention. Thus, it follows that the Examiner has not established how the control of

Wittenburg is somehow equivalent to the claimed feature of identifying a series link in the current page, where the series link references a contiguous page in the series of pages.

The Examiner's Answer further argues:

With respect to Applicant's arguments of the interpretation of the link as the series link and the series link control. The control shown in Figure 6 (reference number 66) represents series link control that shows how the contiguous pages are linked together in the series, thereby teaching the series link. The series link control enables for the teaching to show the pages having a series link.

Examiner's Answer dated April 6, 2007, page 7, lines 11-15.

Appellants respectfully disagree. *Wittenburg* clearly and unquestionably teaches that the multimedia data files are arranged according to a separate hierarchical data file. There simply is no series link identified in the current page that references a contiguous page in the series. The Examiner's argument that control 66 enables for the teaching of a series link is fatally flawed.

Further, the Examiner's answer states:

With respect to Applicant's arguments that *Wittenburg* teaches away from the presently claimed invention because of its use of a hierarchical data file. The arguments state a difference in the use of a separate hierarchical data file to organize data as is shown in *Wittenburg* and the present claims receiving a series of linked pages, wherein the arguments does [sic.] not further detail the specifics of this difference. Furthermore, whereas one in reference to the organization of the hierarchical file structure points out the data structure used for organizing and storing data, the other aspect points out receiving a series of linked pages, which has more to do with the layout and display of the data. A hierarchical menu structure as seen in Figure 9 of *Wittenburg* only further points out how a set of pages within a larger presentation or document are linked together, wherein this hierarchical relationship more clearly displays how these series of pages are in fact linked.

Examiner's Answer dated April 6, 2007, page 7, line 16 – page 8, line 5.

Although not clear, it appears the Examiner's Answer acknowledges that there is a difference between the teachings of *Wittenburg* and the claimed invention. In other words, it appears that the Examiner's Answer admits that *Wittenburg* does not anticipate the claim. Yet, despite this clear and unavoidable difference, the Examiner's Answer attempts to argue that the difference proves the anticipation. Put another way, the Examiner's Answer appears to argue that since *Wittenburg* does not teach that each page in a series of pages includes a link to a contiguous

page in the series of pages, *Wittenburg* actually teaches that the pages are linked. This logic is fatally flawed.

Considering the example shown in Figure 6 of *Wittenburg*, a first page in the series is “Amazon.com” and a second page in the series is “Chocoholics.com.” Except perhaps by coincidence, amazon.com is not likely to include a link to chocoholics.com. In other words, the pages in the menu of *Wittenburg*, which are part of the slide show, are not a series of pages where each page includes a **link** to a contiguous page in the series. These pages are only related in that they are included in the separate hierarchical data file. On the other hand, the presently claimed invention provides a series link control for navigating between pages that are **linked** in a series. *Wittenburg* does not even recognize the same problem as the present invention. *Wittenburg* only provides a slide show of seemingly unrelated pages. Clearly, a person of ordinary skill in the art would not follow the teachings of *Wittenburg* and arrive at the presently claimed invention.

In addition, the Examiner’s Answer argues:

With respect to Applicant’s arguments that there is no analysis of how context feedback information is equivalent to searching link in the document for a keyword by searching link text, graphic filename, alt text and uniform resource locator of a link. *Wittenburg* teaches finding data in the displayed web pages, wherein this finding involves searching for a particular data in order to find its location in the display.

Examiner’s Answer dated April 6, 2007, page 8, lines 6-10.

Appellants respectfully disagree. A text search of the patent disclosure reveals that no form of the word “find” appears anywhere in the *Wittenburg* patent. A form of the word “search” appears once in the following text:

Information on computer systems may be presented using different existing techniques. One technique includes a user selection being made by sequentially **searching** through each alternative. Examples include selection of a television station broadcasting a particular television show by flipping to each channel, or selection of a website based on webpage contents by visiting each website. No additional information other than the content of each alternative is available to make a selection. Only by viewing, for example, each item is the user able to extract any information about a particular website’s information, or television program. This has a drawback of a potentially long selection process since a user generally has

no additional information available in making a selection other than by "visiting" each alternative. [Emphasis added].

Wittenburg, column 1, lines 24-37.

Therefore, *Wittenburg* teaches searching only with respect to a user manually visiting each and every website on the Internet until desired content is found. *Wittenburg* clearly does not teach "searching at least one of link text, graphic filename, alt text, and uniform resource locator," as recited in claim 3, for example.

The Examiner's Answer further states:

Furthermore, *Wittenburg*'s web pages will clearly display link text, graphic filename, alt text and uniform resource locator of a link, wherein the data that is displayed and located in relation to the displayed items of a web page would include all the items described above and which clearly is displayed in Figure 6.

Examiner's Answer dated April 6, 2007, page 8, lines 11-14.

It is unclear how simply displaying the page content is somehow equivalent to identifying a series link in a current page that references a contiguous page in a series of pages by searching link text, graphic filename, alt text, or uniform resource locator in at least one link for a keyword. The Examiner's Answer proffers no analysis other than to simply conclude that the feature is taught and referencing a completely irrelevant teaching from the applied reference.

The Examiner's Answer further argues:

With respect to Applicant's arguments that *Wittenburg* does not teach searching for ascending or descending numbers or alphabetic sequences. As shown in Figure 2A, *Wittenburg* does teach the use of ascending or descending numbers or alphabetic sequences in the layout of the information, in this case in relation to the uniform resource locator of a link, wherein the searching mechanism for locating particular items in the display as discussed in the arguments stated above allow for the searching of the uniform resource locators of the Figure 2A.

Examiner's Answer dated April 6, 2007, page 8, lines 15-21.

Indeed, uniform resource locators do include letters and numbers. However, *Wittenberg* does not teach searching links for a series link that references a contiguous page in a series of pages. The multimedia data files in the slideshow of *Wittenberg* are not linked to one another. Therefore,

it follows that *Wittenburg* does not teach or suggest searching for **ascending** and **descending** numbers or alphabetic sequences, as recited in claims 4 and 5, for example. It is unclear how the Examiner makes the connection between using ascending or descending numbers or alphabetic sequences in layout of information and the specific features of the present invention.

Finally, the Examiner's Answer states:

With respect to Applicant's arguments that *Wittenburg* does not disclose automatically placing the mouse pointer over the series link. *Wittenburg* discloses how an [sic] trigger event such as placement of the arrow over the link control can start or stop a sequence of pages from displayed [sic.], wherein there is no explicit disclosure that user intervention is relied upon to trigger these events just simply that the placement of the cursor in a certain control area triggers the beginning of a sequence of displays.

Examiner's Answer dated April 6, 2007, page 9, lines 1-6.

Again, the Examiner's Answer appears to acknowledge that the reference does not explicitly teach all of the claim limitations, particularly automatically placing the mouse pointer over the series link without intervention from a user, as recited in claim 8, for example.

However, the Examiner's Answer further states:

Furthermore, *Wittenburg* teaches how even though the names may state, "user control arrow", it is in contrast to "prior arts" that rely on user selection to start and stop display of sequences of pages.

Examiner's Answer dated April 6, 2007, page 9, lines 7-9.

This statement is puzzling. Quite simply, *Wittenburg* fails to teach or suggest each and every limitation of claims 8, 16, and 23. Yet, the Examiner's Answer appears to conclude that failing to teach automatically placing the mouse pointer somehow results in anticipation of that same feature. Clearly, *Wittenburg* fails to teach the feature and the rejection should not be sustained.

In addition to the comments above, Appellants rely on the Appeal Brief filed on December 16, 2004 to rebut the Examiner's Answer dated April 6, 2007. Accordingly, in view of the foregoing, Appellants respectfully urge the Board of Patent Appeals and Interferences to not sustain the rejections of claims 1-6, 8-14, 16-21, and 23-25 under 35 U.S.C. § 102(e).

Respectfully submitted,

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